

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 5574 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----  
SPL LAQ OFFICER

Versus

AKBARMIIYA A MALEK

-----  
Appearance:

MR M R ANAND, Senior Counsel with MR L R PUJARI, AGP for the Appellants.

-----  
CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 04/07/96

ORAL JUDGEMENT

1. Heard the learned counsel for the respective parties. Appeal admitted. Mr. G.M.Amin, waives service on behalf of the respondent.
2. At the joint request of the learned counsel for the respective parties, this appeal is taken up for final hearing today.
3. As a result of the hearing, and on perusal of the

impugned judgment and the relevant documentary evidence on record, it becomes obvious, and it is also common ground on both sides that, the lower court has substantially relied upon its own earlier award,( under section 18 of the Land Acquisition Act), in a group of Land Reference Case Nos. 1/90 to 191/90, the certified copy whereof is on record at ex. 11. Under these awards, the District Court determined the market value at Rs.15/- per sq. mt. in respect of the lands under acquisition in those References.

4. Now, it is also apparent and common ground on both the sides that the lands presently under Reference in the instant case, have been acquired for the same purpose, under the same project and are also situated in the same village as the lands covered by the earlier award at ex.11.

5. The learned counsel for the respective parties, after due inquiry state that the earlier awards at ex.11 were challenged by the State by filing First Appeals in this court, and were also challenged by the claimants by filing cross-objections in the said First Appeals.

6. This group of First Appeals, as also the cross-objections filed therein, were heard and dismissed by a Division Bench of this court by its judgment and order dated 12/13th November,1992, ( Coram: V.H.Bhairavia & J.N.Bhatt, JJ). This decision is also reported in 1993(2) GLR, page- 1289. Therefore, the land value fixed at Rs. 15/- per sq.mt. under ex.11 has been confirmed by the High Court in the aforesaid decision.

7. In the premises aforesaid, no substantial question could be raised by the appellant in the present appeal. This appeal is therefore, dismissed with no order as to costs.

\*\*\*\*\*